

RESOLUTION NO. 75160

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE AND SUBMIT AN APPLICATION TO THE STATE OF CALIFORNIA RESOURCES AGENCY, DEPARTMENT OF PARKS AND RECREATION FOR A GRANT UNDER THE RECREATIONAL TRAILS PROGRAM FOR THE COYOTE CREEK (HWY 280 TO STORY RD) TRAIL PROJECT IN AN AMOUNT NOT TO EXCEED \$1,825,000, TO ACCEPT THE GRANT IF AWARDED, AND TO EXECUTE ALL RELATED DOCUMENTS

WHEREAS, in April 2000, the San Jose City Council ("City Council") approved the City's Greenprint, a 20-year strategic plan for development of parks, community facilities and programs; and

WHEREAS, the Greenprint identifies the Coyote Creek Trail as one of the systems that comprises the 100-mile network Trail Program goal for the City; and

WHEREAS, in August 2005, President George Bush signed the SAFETEA-LU ("Safe, Accountable, Flexible Efficient Transportation Equity Act: A Legacy for Users) legislation which provides funds through a competitive program and project-specific earmarks through Fiscal Year 2009; and

WHEREAS, the SAFETEA-LU provides funds to the State of California for grants to federal, state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State of California, setting up necessary procedures governing Project Application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the City to certify by resolution the approval of application before submission of said Application to the State of California; and

WHEREAS, the City secured four (4) earmarks through SAFETEA-LU for development of three (3) trail projects, including the Coyote Creek Trail project ("Project"); and

WHEREAS, if fully built out, the Coyote Creek Trail system will link the San Francisco Bay to the south county community of Morgan Hill; and

WHEREAS, if the grant is awarded, the City will be required to provide a match equaling twelve percent (12%), or \$273,750, which will cover a portion of the unfunded balance and will enter into a Contract with the State of California to complete the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT IT HEREBY:

1. Approves the filing of an Application for the Recreational Trails Program for a grant for the Coyote Creek (Hwy 280 to Story Rd) Trail project in an amount not to exceed \$1,825,000; and

2. Certifies that the Project is consistent with City's Coyote Creek Master Plan; and
3. Certifies that City has or will have available prior to commencement of any work on the Project included in this application, sufficient funds to operate and maintain the Project if the grant is awarded; and
4. Certifies that the City has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
5. Appoints the City Manager or Designee, as agent to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project; and
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

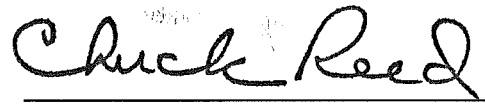
ADOPTED this 17TH day of November, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED.

NOES: NONE.

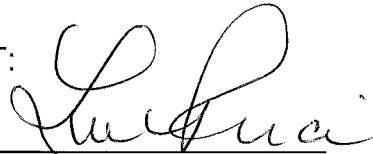
ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk